

# FISCAL NOTE

**Bill #:** HB0116

**Title:** Sentence 4<sup>th</sup> DUI to treatment and correctional program

**Primary**

**Sponsor:** Dan McGee

**Status:** As introduced

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Sponsor signature	Date	Dave Lewis, Budget Director	Date
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## Fiscal Summary

	<b><u>FY2000</u></b> <b><u>Difference</u></b>	<b><u>FY2001</u></b> <b><u>Difference</u></b>
<b>Expenditures:</b>	\$0	\$0
<b>Revenue:</b>	\$0	\$0
<b>Net Impact on General Fund Balance:</b>	<b>Unknown</b>	<b>Unknown</b>

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<b><u>Yes</u></b>	<b><u>No</u></b>		<b><u>Yes</u></b>	<b><u>No</u></b>	
	X	Significant Local Gov. Impact	X		Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts

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## Fiscal Analysis

### ASSUMPTIONS:

1. As of 1/5/99 there were 53 offenders incarcerated either for a DUI offense or for a probation/parole violation on a DUI offense. This population includes offenders at Montana State Prison, Montana Women's Prison, Great Falls Regional Prison, Dawson County Prison, West Tennessee Detention Facility and Central Arizona Detention Center. It does not include offenders in the pre-release centers, the boot camp, or under Intensive Supervision Program. This includes only individuals who are currently serving prison sentences solely for 4<sup>th</sup> DUI offenses.
2. The Department of Corrections (DOC) is unable to measure the fiscal impact of this bill because there is not way to estimate how this sentencing option would be used by the courts and because of the technical concerns noted.

3. It is possible that some fiscal impact to the DOC budget could be offset by offenders who could pay for this program. The DOC does not have calculations on how many offenders would be able to pay.
4. This bill has no fiscal impact to the Department of Justice.

TECHNICAL NOTES:

Definition of “residential correctional program that provides intensive outpatient chemical dependency treatment” is unclear. If the DOC assumes this is a program similar to the Butte Connections Corrections program, the additional cost per inmate day would be \$64. There is a potential of savings for those offenders who are successful in this type of program and are not incarcerated; however, those unsuccessful offenders would likely be incarcerated upon failure of the program, thereby increasing the cost to the DOC.

If the courts sentence more offenders to treatment, there could be a decrease in the number of offenders sentenced to probation. This would be an increased expense to the DOC because the treatment cost is more than the cost to supervise an offender on probation. There could also be an increase in county jail holding costs as offenders wait for available treatment placement.